

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 689

By: Pugh of the Senate

and

Miller of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to the Oklahoma Health Care
11 Authority; amending 63 O.S. 2011, Section 5009.2,
12 which relates to the Advisory Committee on Medical
13 Care for Public Assistance Recipients; modifying and
14 limiting membership; limiting duration of
15 appointments; specifying duration of chair and vice-
16 chair terms; stating policy; prohibiting certain
17 Oklahoma Health Care Authority contracts from having
18 certain negative impacts; requiring certain contracts
19 to purchase transportation through Oklahoma public
20 transit systems and to respect certain jurisdictional
21 boundaries; requiring certain contracted entities to
22 collaborate with the entity implementing a statewide
23 mobility management program; listing provider
24 requirements; providing for codification; and
providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2011, Section 5009.2, is
amended to read as follows:

Section 5009.2 A. The Advisory Committee on Medical Care for
Public Assistance Recipients, created by the Oklahoma Health Care

1 Authority, pursuant to 42 Code of Federal Regulations, Section
2 431.12, for the purpose of advising the Authority about health and
3 medical care services, shall include among its membership of no more
4 than fifteen (15) the following:

5 1. Board-certified physicians and other representatives of the
6 health professions who are familiar with the medical needs of low-
7 income population groups and with the resources available and
8 required for their care. The Advisory Committee shall, at all
9 times, include at least one physician from each of the six classes
10 of physicians listed in Section 725.2 of Title 59 of the Oklahoma
11 Statutes; ~~provided, however,~~ All such physicians and other
12 representatives of the health professions shall be participating
13 providers in the State Medicaid Plan;

14 2. Members of consumers' groups, including, but not limited to:
15 a. Medicaid recipients, and
16 b. representatives from ~~each of the following~~ consumer
17 organizations ~~which represent the interests of:~~
18 ~~(1) people who are economically disadvantaged,~~
19 ~~(2) children,~~
20 ~~(3) the elderly,~~
21 ~~(4) people with mental illness,~~
22 ~~(5) people who are developmentally disabled, and~~
23 ~~(6) people with alcohol or substance abuse problems~~
24 including a member representing nursing homes, a

1 member representing people who are
2 developmentally disabled, and a member
3 representing one or more behavioral health
4 professions;

5 3. The Director of the Department of Human Services, or
6 designee; and

7 4. The Commissioner of Mental Health and Substance Abuse
8 Services, or designee;

9 5. A member approved and appointed by ~~the Oklahoma Academy of~~
10 ~~Pediatrics~~ a state organization or state chapter of a national
11 organization of pediatricians dedicated to the health, safety and
12 well-being of infants, children, adolescents and young adults, who
13 shall:

14 a. monitor provider relations with the Oklahoma Health
15 Care Authority, and

16 b. create a forum to address grievances; and

17 6. A member who is a member or citizen of a federally
18 recognized American Indian tribe or nation whose primary tribal
19 headquarters is located in this state.

20 Beginning on January 1, 2022, appointments made to the Advisory
21 Committee shall be for a duration not to exceed four (4) consecutive
22 calendar years.

23 B. The Advisory Committee shall meet bimonthly to review and
24 make recommendations related to:

- 1 1. Policy development and program administration;
- 2 2. Policy changes proposed by the Authority prior to
- 3 consideration of such changes by the Authority;
- 4 3. Financial concerns related to the Authority and the
- 5 administration of the programs under the Authority; and
- 6 4. Other pertinent information related to the management and
- 7 operation of the Authority and the delivery of health and medical
- 8 care services.

9 C. 1. The Administrator of the Authority shall provide such
10 staff support and independent technical assistance as needed by the
11 Advisory Committee to enable the Advisory Committee to make
12 effective recommendations.

13 2. The Advisory Committee shall elect from among its members a
14 chair and a vice-chair who shall serve one-year terms. A member may
15 serve more than one (1), but not more than four (4), consecutive
16 one-year terms as chair or vice-chair. A majority of the members of
17 the Advisory Committee shall constitute a quorum to transact
18 business, but no vacancy shall impair the right of the remaining
19 members to exercise all of the powers of the Advisory Committee.

20 3. Members shall not receive any compensation for their
21 services, but shall be reimbursed pursuant to the provisions of the
22 State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of
23 the Oklahoma Statutes.

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1 D. The Authority shall give due consideration to the comments
2 and recommendations of the Advisory Committee in the Authority's
3 deliberations on policies, administration, management and operation
4 of the Authority.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 5009.7 of Title 63, unless there
7 is created a duplication in numbering, reads as follows:

8 A. It is the policy of the State of Oklahoma that all state
9 agencies with an interest in public transit should ensure their
10 programs are in alignment with the Oklahoma Public Transit Policy
11 Plan as mandated by Sections 322 through 324 of Title 69 of the
12 Oklahoma Statutes and that state policy and program direction
13 related to public transit and transportation should ensure a
14 coordinated public transit network that meets the mobility needs of
15 all Oklahomans in a safe, reliable, consistent, and economical
16 manner.

17 B. The Oklahoma Health Care Authority, in contracting for
18 nonemergency medical transportation for Medicaid or SoonerCare
19 participants, shall not allow any existing contract to have or award
20 any new contract that will have a negative impact on the financial
21 stability of the state's public transit network as envisioned by the
22 Oklahoma Public Transit Policy Plan.

23 C. The Oklahoma Health Care Authority shall direct any entity
24 contracted to broker or schedule nonemergency medical transportation

1 for Medicaid or SoonerCare participants, whether such contract is
2 between the entity and the Oklahoma Health Care Authority or is an
3 entity subcontracted with an entity under contract with the Oklahoma
4 Health Care Authority, to purchase participants' transportation
5 through Oklahoma public transit systems, as defined by Sections
6 5307, 5310 and 5311 of Title 49 of the United States Code, in all
7 instances where public transit services are available to meet the
8 participants' needs in as cost-effective a manner as other
9 transportation providers meeting the same state and federal
10 regulations, safety and cleanliness standards, and education and
11 training standards as prescribed in subsection E of this section.
12 In purchasing such nonemergency medical transportation, the Oklahoma
13 Health Care Authority and any contracted or subcontracted entity
14 shall first respect the jurisdictional boundaries of such public
15 transit systems as defined by the Office of Mobility and Public
16 Transit at the Oklahoma Department of Transportation.

17 D. Any entity contracted to broker or schedule nonemergency
18 medical transportation for Medicaid or SoonerCare participants,
19 whether such contract is between the entity and the Oklahoma Health
20 Care Authority or is an entity subcontracted with an entity under
21 contract with the Oklahoma Health Care Authority, shall reasonably
22 collaborate with the entity implementing a statewide mobility
23 management program as envisioned by the Oklahoma Public Transit
24 Policy Plan and recognized by the public transit agencies in the

1 state to ensure such trips coordinate with public transit services
2 and human services transportation through the recognized statewide
3 mobility management program.

4 E. In order for any public transit provider or transportation
5 company to provide nonemergency medical transportation for Medicaid
6 or SoonerCare participants, such provider or company shall have a
7 valid certification from the Oklahoma Transit Association affirming
8 that the provider or company has met certain education and training
9 standards, adheres to all state and federal regulations, adheres to
10 industry safety and cleanliness standards and is based in the State
11 of Oklahoma.

12 SECTION 3. This act shall become effective November 1, 2021.

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